

HOUSE BILL NO. 390

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/22/22

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elections; relating to counting ballots; and providing for an effective**
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 15.07.060(a) is amended to read:

5 (a) Each applicant who requests registration or reregistration shall supply the
6 following information:

7 (1) the applicant's name and sex;

8 (2) if issued, the applicant's State of Alaska driver's license number or
9 State of Alaska identification card number, or the last four digits of the applicant's
10 social security number;

11 (3) the applicant's date of birth;

12 (4) the applicant's Alaska residence address;

13 (5) a statement of whether the applicant has previously been registered
14 to vote in another jurisdiction, and, if so, the jurisdiction and the address of the

1 previous registration;

2 (6) a declaration that the applicant will be 18 years of age or older
3 within 90 days after the date of registration;

4 (7) a declaration that the applicant is a citizen of the United States;

5 (8) the date of application;

6 (9) the applicant's signature or mark;

7 (10) any former name under which the applicant was registered to vote
8 in the state;

9 (11) an attestation that the information provided by the applicant in (1)
10 - (10) of this subsection is true; [AND]

11 (12) a certification that the applicant understands that a false statement
12 on the application may make the applicant subject to prosecution for a misdemeanor
13 under this title or AS 11; **and**

14 **(13) a declaration whether the applicant requests a hand count of**
15 **the applicant's ballot.**

16 * **Sec. 2.** AS 15.07.070(f) is amended to read:

17 (f) Incomplete or inaccurate registration forms may not be accepted. A person
18 who submitted an incomplete or inaccurate registration form may register by
19 reexecuting and resubmitting a registration form in person, by mail, or by facsimile or
20 other electronic transmission approved by the director under AS 15.07.050. The
21 requirements of (c) or (d) of this section apply to a registration form resubmitted under
22 this subsection. Notwithstanding the foregoing, an application made under
23 AS 43.23.015 that contains the information required by AS 15.07.060(a)(1) - (4),
24 [AND] (7) - (9), **and (13),** and an attestation that such information is true, shall not be
25 deemed an incomplete registration form and shall be accepted in accordance with
26 AS 15.07.070(i).

27 * **Sec. 3.** AS 15.07.070(j) is amended to read:

28 (j) The division shall cooperate with the Department of Revenue under
29 AS 43.23.101 to ensure that the permanent fund dividend application form furnished
30 by the Department of Revenue under AS 43.23.015 allows an applicant, a person who
31 is designated in a power of attorney to act on behalf of an applicant, or a person acting

on behalf of a physically disabled applicant to submit voter registration information required under AS 15.07.060(a)(1) - (4), [AND] (7) - (9), **and (13)**, and an attestation that such information is true. The director may require proof of identification of the applicant, if not already in the Department of Revenue's possession, as required by regulations adopted by the director under AS 44.62 (Administrative Procedure Act).

* **Sec. 4.** AS 15.15.032(c) is amended to read:

(c) The director shall provide for a paper record of each electronically generated ballot that can be

(1) reviewed and corrected by the voter at the time the vote is cast;

[AND]

(2) used for a recount of the votes cast at an election in which electronically generated ballots were used;

(3) used as the official ballot for a vote count in a hand-count district.

* **Sec. 5.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.345. Hand-count districts. (a) When 25 percent or more of the voters in a house district, senate district, or the state request under AS 15.07.060(a) that the division count their ballots by hand, the division shall count the ballots in that house district, senate district, or the state, respectively, by hand. The director shall, 60 days before the day of the election,

(1) determine whether a house district, senate district, or the state is a hand-count district; and

(2) provide public notice identifying each hand-count district for the election.

(b) The division shall count ballots voted in a hand-count district by hand. When counting a ballot generated electronically under AS 15.15.032 or an absentee ballot voted by electronic transmission under AS 15.20.066, an election official counting ballots voted in a hand-count district shall count the official paper record. An election official may not scan a ballot voted for a hand-count district before the conclusion of the statewide ballot count. If an election official scans a ballot in a hand-count district, the division shall publish the ballot on the division's Internet website not

1 later than 24 hours after the election official scanned the ballot.

2 * **Sec. 6.** AS 15.15.350(a) is amended to read:

3 (a) The director may adopt regulations prescribing the manner in which the
 4 precinct ballot count is accomplished so as to ensure accuracy in the count and to
 5 expedite the process. The election board shall account for all ballots by completing a
 6 ballot statement containing (1) the number of official ballots received; (2) the number
 7 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
 8 official ballots unused and either destroyed or returned for destruction to the elections
 9 supervisor or the election supervisor's designee. The board shall count the number of
 10 questioned ballots and compare that number to the number of questioned voters in the
 11 register. Discrepancies shall be noted and the numbers included in the certificate
 12 prescribed by AS 15.15.370. The election board, in a hand-count **precinct or a hand-**
 13 **count district** [PRECINCTS], shall count the ballots in a manner that allows watchers
 14 to see the ballots when opened and read. A person handling the ballot after it has been
 15 taken from the ballot box and before it is placed in the envelope for mailing may not
 16 have a marking device in hand or remove a ballot from the immediate vicinity of the
 17 polls. **In this subsection, "hand-count precinct" means a precinct within a**
 18 **machine-count district where the election board counts ballots by hand.**

19 * **Sec. 7.** AS 15.15.350(b) is amended to read:

20 (b) **In a machine-count district, ballots** [BALLOTS] may not be counted
 21 before 8:00 p.m., local time, on the day of the election. **In a hand-count district,**
 22 **ballot counting may begin 14 days before an election. When counting ballots**
 23 **before 8:00 p.m., local time, on the day of the election, election officials shall**
 24 **count ballots in groups of 25 or more. An election official may not release the**
 25 **result of a ballot count or scanned image of a ballot before 8:00 p.m., local time,**
 26 **on the day of the election.**

27 * **Sec. 8.** AS 15.15.470 is amended to read:

28 **Sec. 15.15.470. Preservation of election ballots, papers, and materials.** The
 29 director shall preserve all precinct election certificates, tallies, and registers for four
 30 years after the election. All ballots, **images of scanned ballots**, and stubs for elections
 31 other than national elections may be destroyed 30 days after the certification of the

1 state ballot counting review unless an application for recount has been filed and not
 2 completed, or unless their destruction is stayed by an order of the court. All ballots for
 3 national elections may be destroyed in accordance with federal law. The director may
 4 permit the inspection of election materials upon call by the Congress, the state
 5 legislature, or a court of competent jurisdiction.

6 * **Sec. 9.** AS 15.15.480 is amended to read:

7 **Sec. 15.15.480. Security of ballots.** All official ballots and scanned images
 8 of ballots in the possession of election officials, whether voted or not voted, shall be
 9 kept in a secure manner until destroyed in accordance with law. The director shall
 10 provide for the security of ballots during transportation and storage under AS 44.62
 11 (Administrative Procedure Act).

12 * **Sec. 10.** AS 15.20.066 is amended by adding a new subsection to read:

13 (c) Before counting an absentee ballot of a voter who resides in a hand-count
 14 district that is completed and returned by the voter by electronic transmission, an
 15 election official shall print an official paper record of the ballot. The official paper
 16 record is the counted ballot.

17 * **Sec. 11.** AS 15.20.201(a) is amended to read:

18 (a) In a machine-count district, not [NO] less than seven days preceding the
 19 day of election, the election supervisor, in the presence and with the assistance of the
 20 district absentee ballot counting board, shall review all voter certificates of absentee
 21 ballots received by that date. In a hand-count district, not less than 21 days
 22 preceding the day of election, the election supervisor, in the presence and with
 23 the assistance of the district absentee ballot counting board, shall review all voter
 24 certificates of absentee ballots received by that date. The review of absentee ballots
 25 shall continue at times designated by the election supervisor until completed.

26 * **Sec. 12.** AS 15.20.201(b) is amended to read:

27 (b) In a machine-count district, counting [COUNTING] of absentee ballots
 28 that have been reviewed shall begin at 8:00 p.m., local time, on the day of the election
 29 at places designated by each election supervisor and shall continue until all absentee
 30 ballots reviewed and eligible for counting have been counted. The counting teams
 31 shall report the count of absentee ballots to the district absentee ballot counting board.

1 An election supervisor or an election official may not count absentee ballots before
 2 8:00 p.m., local time, on the day of the election. **In a hand-count district, counting**
 3 **of absentee ballots that have been reviewed shall begin 14 days before the day of**
 4 **the election at places designated by each election supervisor and shall continue**
 5 **until all absentee ballots reviewed and eligible for counting have been counted.**
 6 **The counting teams shall report the count of absentee ballots to the district**
 7 **absentee ballot counting board. An election supervisor or an election official may**
 8 **not count absentee ballots earlier than 14 days before the day of the election.**

9 Counting of the absentee ballots shall continue at times designated by the election
 10 supervisor until all absentee ballots are counted.

11 * **Sec. 13.** AS 15.20.480 is amended to read:

12 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the director
 13 shall review all ballots, whether the ballots were counted at the precinct or by
 14 computer or by the district absentee counting board or the questioned ballot counting
 15 board, to determine which ballots, or part of ballots, were properly marked and which
 16 ballots are to be counted in the recount, and shall check the accuracy of the original
 17 count, the precinct certificate, and the review. The director shall count absentee ballots
 18 received before the completion of the recount. For administrative purposes, the
 19 director may join and include two or more applications in a single review and count of
 20 votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed
 21 in the recount when a ballot is challenged on the basis of a question regarding the
 22 voter's intent to vote for the candidate, proposition, or question. The ballots and other
 23 election material must remain in the custody of the director during the recount, and the
 24 highest degree of care shall be exercised to protect the ballots against alteration or
 25 mutilation. **In a hand-count district, a recount shall be conducted by hand count.**
 26 The recount shall be completed within 10 days. The director may employ additional
 27 personnel necessary to assist in the recount.

28 * **Sec. 14.** AS 15.20.900(a) is amended to read:

29 (a) Notwithstanding any other provisions of this title, the director may adopt
 30 regulations **for machine-count districts** that provide procedures for the tabulation of
 31 electronically generated ballots or optically scanned ballots, including procedures for

(1) tests of the counting programs developed for each precinct tabulator to ensure that the system is functioning properly;

(2) security for the voting and tabulation of ballots;

(3) the transmission and accumulation of vote totals to assure the integrity of the vote counting process;

(4) observation by the public of the counting process in the regional offices; and

(5) the disposition of ballots.

* **Sec. 15.** AS 15.80.010 is amended by adding new paragraphs to read:

(47) "hand-count district" means a house district, senate district, or the entire state when the division is required under AS 15.15.345(a) to count the voters' ballots by hand;

(48) "machine-count district" means a house district, senate district, or the entire state where the division is not required to count the voters' ballots by hand under AS 15.15.345(a).

* **Sec. 16.** AS 43.23.015(b) is amended to read:

(b) The department shall prescribe and furnish an application form for claiming a permanent fund dividend. The application must include

(1) notice of the penalties provided for under AS 43.23.270;

(2) a statement of eligibility and a certification of residency;

(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to furnish information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and an attestation that such information is true.

* **Sec. 17.** AS 43.23.101 is amended to read:

Sec. 43.23.101. Voter registration. The commissioner shall establish by rule a schedule by which the commissioner will provide, and shall provide as soon as is practicable the director of elections with

(1) electronic records from the permanent fund dividend applications of the information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and the attestation that such information is true, for each permanent fund dividend

1 applicant who

2 (A) is a citizen of the United States; and

3 (B) is at least 18 years of age or will be within 90 days of the
4 date of the application; and

5 (2) the mailing addresses for all permanent fund dividend applicants.

6 * **Sec. 18.** This Act takes effect immediately under AS 01.10.070(c).